

7/11/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 30 PM 12:04

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis SANCHEZ-Garcia,

Defendant

Magistrate Docket No. 08 MJ 1356

COMPLAINT FOR VIOLATION OF:

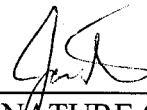
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

'08 MJ 1356

The undersigned complainant, being duly sworn, states:

On or about **April 29, 2008** within the Southern District of California, defendant, **Jose Luis SANCHEZ-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30<sup>th</sup> DAY OF APRIL, 2008

  
Nita L. Stormes  
UNITED STATES MAGISTRATE JUDGE

TMM

**CONTINUATION OF COMPLAINT:****Jose Luis SANCHEZ-Garcia****PROBABLE CAUSE STATEMENT**

On Tuesday, April 29, 2008, Senior Patrol Agent J. Rauterkus, was performing Border Patrol duties in the Chula Vista Border Patrol Station's area of responsibility. At approximately 12:30 a.m., Agent Rauterkus responded to a seismic intrusion device in an area known as "The 70 Mirror." This area is approximately three miles East of the Otay Mesa, California, Port of Entry, and one mile North of the United States/Mexico international border.

Border Patrol Agent J. Olivares, was operating an infra-red camera, advised Agent Rauterkus via DHS radio, that he saw three individuals walking northbound near the 70 Mirror. Upon arriving in the area, Agent Rauterkus approached the three individuals. Two ran away and were never located. Agent Rauterkus found the remaining individual hiding in a brushy and rocky area. He identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The individual, later identified as the defendant **Jose Luis SANCHEZ-Garcia**, admitted to being a citizen and national of Mexico without any immigration documents to be present in the United States legally. The defendant was placed under arrest and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on November 14, 2007 through San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and he stated he understood these rights and was willing to answer questions at this time without an attorney being present. The defendant stated that he is a citizen and national of Mexico but did not have the proper immigration documents to be in the United States legally.